

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF           )  
THE ENERGY MANAGEMENT GROUP, LLC       )  
FOR A CERTIFICATE TO PROVIDE ELECTRIC       ) PSC DOCKET NO. 13-432  
SUPPLY SERVICES WITHIN THE STATE OF       )  
DELAWARE (FILED OCTOBER 25, 2013)           )

**ORDER NO. 9956**

**AND NOW**, this 5<sup>th</sup> day of January 2022, the Delaware Public Service Commission (“Commission”) determines and orders the following:

**WHEREAS**, on December 17, 2013, in Order No. 8505, the Commission approved the Electric Supplier Certificate (“ESC”) for The Energy Management Group, LLC (“EMG”) to broker electricity in the State of Delaware pursuant to 26 *Del. C.* § 1012(a) and 26 *Del. Admin. C.* § 3001;<sup>1</sup> and

**WHEREAS**, in Order No. 8505, the Commission directed EMG to file such reports as required by the *Supplier Rules*; and

**WHEREAS**, subsection 12.3 of the *Supplier Rules* requires the filing of an annual report by April 30<sup>th</sup> of each year; and

**WHEREAS**, as more specifically detailed in its December 29, 2021 Memorandum to the Commission, which the Commission incorporates herein by reference, Commission Staff (“Staff”) reports that EMG failed to file an annual report by April 30, 2021, in violation of subsection 12.3 of the *Supplier Rules*, and

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<sup>1</sup> 26 *Del. C.* §§ 1001-1020 codifies the *Electric Utility Restructuring Act* (the “Act”), and 26 *Del. Admin. C.* § 3001-1, *et. seq.* are the Commission’s *Rules for Certification and Regulation of Electric Suppliers* (the “*Supplier Rules*”). Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in the *Act* and the *Supplier Rules*.

**WHEREAS**, despite Staff's several attempts to contact EMG, including a September 22, 2021 letter advising EMG that, to avoid revocation of its ESC, it must file its annual report by October 15, 2021,<sup>2</sup> and a December 10, 2021 letter notifying EMG that the Commission would consider revocation of EMG's ESC at its January 5, 2022 meeting for failing to file its annual report, EMG neither filed its required annual report nor responded in any manner to Staff's correspondence; and

**WHEREAS**, subsection 2.14.3 of the *Supplier Rules* provides the following:

The Commission will consider an ESC to be relinquished if the Electric Supplier does not provide the required yearly compliance filing in subsection 12.3 of these Regulations within ninety (90) days of the required date. An Electric Supplier shall be allowed 30 days' notice to cure a late annual filing;

and

**WHEREAS**, Staff recommends that the Commission consider EMG's ESC to be relinquished because EMG failed to file its annual report within 90 days of the required date and was allowed more than 30 days' notice to cure its late annual filing as provided by Staff's letters dated September 22, 2021, and December 10, 2021; and

**WHEREAS**, because EMG only operates as a Broker in Delaware and therefore does not provide Electric Supply Service directly to any Delaware customers, Staff recommends that the relinquishment of the ESC be effective immediately;

**NOW, THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE VOTE  
OF NOT FEWER THAN THREE COMMISSIONERS:**

1. That, for the reasons provided above, and pursuant to subsection 2.14.3 of the *Supplier Rules*, the Commission hereby considers the ESC granted to The Energy Management

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<sup>2</sup> Delivery tracking indicates that Staff's September 22, 2021 letter was delivered to The Energy Management Group, LLC on September 29, 2021.

Group, LLC by Order No. 8505 (Dec. 17, 2013) to be relinquished, effective on the date of this Order.

2. That the Commission reserves the jurisdiction and authority to enter such further orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Dallas Winslow, Chairman

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Joann Conaway, Commissioner

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Harold Gray, Commissioner

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Manubhai "Mike" Karia, Commissioner

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Kim F. Drexler, Commissioner

ATTEST:

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Malika Davis, Acting Secretary